

Remarks

No amendments have been made.

1. Summary of Examiner Interviews

Applicants and the undersigned would like to thank the Examiner for her participation in the telephonic interviews of February 5, 2009 and February 12, 2009.

In the February 5 interview, the undersigned emphasized the differences between Applicants' claimed formed regenerated thermoplastic resin product and the products described in the Batdorf and Hobbs references which serve as the basis for the Examiner's rejection. In particular, it was pointed out that in Applicants' formed product, the thermosetting acrylic resin or thermosetting styrene-modified acrylic resin that is in contact with the surface of the pigment is compatible not only with the styrene based thermoplastic resin constituting the formed product but also with the thermoplastic resin constituting the coating compound. In contrast, Batdorf does not teach or suggest surface-treating a pigment, even less with a polymer, and Hobbs only teaches compatibility between a pigment flake and its encapsulating polymer. The undersigned also iterated that these multiple compatibilities which exist in Applicants' product unexpectedly result in a product that can withstand recycling without any observed peeling at the boundary between the resins. At the conclusion of the interview, the Examiner indicated that she would reconsider the patentability of the pending claims in view of the presented arguments and would seek to provide the undersigned with a decision before the three-month due date for filing a response to the outstanding Final Office Action (*i.e.*, by February 13, 2009).

On February 12, 2009, the undersigned telephoned the Examiner to request a status update regarding the application. The Examiner indicated that due to illness during the interim period, she had been unable to devote sufficient time to render a decision and therefore recommended the filing of a request for reconsideration of the patentability of the claims which incorporated the undersigned's oral arguments from the February 5 interview. At the Examiner's invitation, this response has been filed.

2. **Rejection under 35 U.S.C. § 103(a)**

The Examiner has maintained her rejection of claims 1-9 as allegedly obvious over U.S. Patent No. 5,268,203 to Batdorf ("Batdorf") in view of U.S. Patent No. 7,312,257 to Hobbs *et al.* ("Hobbs"). According to the Examiner, it would have been obvious to a person of ordinary skill in the art to modify the pigment in the substrate-coating-pigment composition taught by Batdorf with the polymer-encapsulated pigment taught by Hobbs in order to achieve Applicants' claimed thermoplastic resin product.

Applicants submit that Batdorf teaches a substrate coated by a coating layer, where the coating layer incorporates a pigment. As acknowledged by the Examiner on page 2 of the Office Action dated March 19, 2008, Batdorf does not teach surface-treatment of the pigment, even less with a polymer, and even less with a polymer that is compatible with both the coating layer and the substrate.

Hobbs is relied upon by the Examiner as teaching "a coating composition with pigments that are encapsulated in a polymer, where the composition is utilized to form plastic products with a sparkling and/or metallized appearance" (page 2 of the Office Action dated March 19, 2008). Applicants submit that Hobbs, which describes the technique of encapsulating a thermosetting acrylic resin on the surface of a high aspect ratio particle such as aluminum, only teaches compatibility between the pigment flake and the encapsulating polymer. Therefore, even if there were a rationale for combining the teaching of Batdorf and Hobbs, the result would not be Applicants' claimed invention.

Typically, no compatibility exists between a thermoplastic resin and a thermosetting resin. If a bi-layer of a thermoplastic resin and a thermosetting resin is ground and heated for the purpose of recycling, undesirable peeling occurs at the boundary between the thermoplastic resin and the thermosetting resin. In contrast to this general teaching, Applicants' claims recite that the thermosetting acrylic resin or thermosetting styrene-modified acrylic resin that is in contact with the surface of the pigment (e.g., an aluminum flake) is compatible with both the styrene based thermoplastic resin constituting the formed product and the thermoplastic resin constituting a coating compound (*See, e.g.,* paragraphs [0088], [0089], and [0095] in Applicants' published specification). Applicants' claimed invention is the first to exhibit this level of

multiple compatibilities between polymers in a single product that has undergone a reformation/regeneration.

It was unexpectedly discovered that Applicants' coated formed product, with its multiple compatibilities between the thermoplastic resins present in the formed product and the coating compound and the thermosetting resin present and in contact with the pigment, can withstand recycling without any observed peeling at the boundary between the resins. This suppression of material deterioration (which is amply described in Applicants' specification at, *e.g.*, paragraphs [0006] to [0017]) is not contemplated by Batdorf or Hobbs, either alone or in combination. Accordingly, a person of ordinary skill in the art would have no rationale for modifying the teaching of Batdorf with Hobbs to achieve this feature associated with Applicants' claimed formed product. Simply stated, the Batdorf/Hobbs combination does not teach or suggest a product as claimed by Applicants in which a thermosetting styrene-modified acrylic resin or a thermosetting acrylic resin in contact with the surface of a pigment is fully compatible with both the styrene-based thermoplastic resin constituting the formed product and the thermoplastic resin constituting the coating compound. Applicants therefore respectfully request that the rejection to claims 1-9 under 35 U.S.C. § 103(a) be withdrawn.

3. **Conclusion**

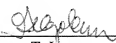
Applicants submit that the claims are in proper form in all respects and a favorable action on the merits is respectfully requested. The Examiner is invited to contact the undersigned with any questions or concerns that may prevent this requested allowance.

Except for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **February 13, 2009**
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Respectfully submitted,

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